

REMARKS

The present application was filed on December 4, 2000 with claims 1-20. Claims 1-20 are pending, and claims 1, 11 and 14 are the pending independent claims.

In the outstanding Office Action dated March 30, 2004, the Examiner: (i) objected to the drawings; (ii) rejected claims 1-20 under 35 U.S.C. §112, second paragraph; (iii) provisionally rejected claims 1-20 under the judicially created doctrine of double patenting over claims 1-6, 10-13, 18-21 and 27 of copending Application No. 09/727,524; (iv) rejected claims 1, 2, 6-14 and 18-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,473,778 to Gibbon (hereinafter "Gibbon"); and (v) rejected claims 3-5 and 15-17 under 35 U.S.C. §103(a) as being unpatentable over Gibbon in view of U.S. Patent No. 6,654,030 to Hui (hereinafter "Hui").

In response to the Office Action claims 1-20 have been amended. Support for the amendments can be found on pages 4 and 12 of the specification. Applicants respectfully request reconsideration of the present application in view of the above amendments and the following remarks.

Regarding the objection to the drawings, FIGS. 1 and 5 have been amended to include reference numerals describing elements disclosed in the specification. The specification was also amended to provide proper correspondence to the reference numerals set forth in the figures, as requested by the Examiner.

Regarding the rejection of claims 1-20 under 35 U.S.C. §112, second paragraph, claims 1-20 have been amended in a manner which is believed to address the Examiner's rejection of these claims. Accordingly, withdrawal of the §112 rejection is respectfully requested.

Regarding the provisional rejection of claims 1-20 under the judicially created doctrine of double patenting, Applicants assert that claims 1-6, 10-13, 18-21 and 27 of copending Application No. 09/727,524, fail to recite the elements of amended claims 1-20 of the present invention. More specifically, the claims of the copending application fail to recite at least the creation of a multimedia description file in a template, as well as the combination of a multimedia repository file of selected stored multimedia assets and the multimedia content description file to create a multimedia repository file executable on a multimedia player.

Regarding the rejection of claims 1, 2, 6-14 and 18-20 under 35 U.S.C. §103(a) as being unpatentable over Gibbon, claims 1, 2, 6-14 and 18-20 have been amended. Gibbon fails to disclose at least: the accessing of multimedia assets and creation of a multimedia repository file of selected stored multimedia assets in a text based format; the creation of a multimedia description file in a template for formatting multimedia content; and the combining of the multimedia repository file of selected multimedia assets and the multimedia description file to create a multimedia repository file executable on a multimedia player. Each of elements is recited in independent claims 1, 11 and 14 of the present invention, as amended. Gibbon also fails to disclose a multi-stage creation of multimedia content as recited by amended claims 1, 11 and 14 of the present invention.

The Examiner asserts that although Gibbon does not explicitly disclose the creation of a template, it would have been obvious to one of ordinary skill in the art to create a template because “the templates in the template set for creating a hypermedia document suggests creating the templates for media content.” As amended, the independent claims of the present invention recite the creation of a multimedia description file in a template for formatting multimedia content. The template set (906) of Gibbon is non-analogous to the template set forth in the subject claims since Gibbon fails to disclose that the template has a multimedia description file as required by the claimed invention.

Dependent claims 2, 6-10, 12, 13 and 18-20 are patentable by virtue of their dependency from respective independent claims 1, 11 and 14. Further, one or more of dependent claims 2, 6-10, 12, 13 and 18-20 recite patentable subject matter in their own right. Accordingly, withdrawal of the §103(a) rejection of claims 1, 2, 6-14 and 18-20 is respectfully requested.

Regarding the rejection of claims 3-5 and 15-17 under 35 U.S.C. §103(a) as being unpatentable over Gibbon in view of Hui, dependent claims 3-5 and 15-17 are patentable by virtue of their dependency from respective independent claims 1 and 14. Further, one or more of dependent claims 3-5 and 15-17 recite patentable subject matter in their own right. Accordingly, withdrawal of the §103(a) rejection of claims 3-5 and 15-17 is respectfully requested.

Attorney Docket No. SOM920000009US1

In view of the above, Applicants believe that claims 1-20 are in condition for allowance, and respectfully request withdrawal of the §112 and §103(a) rejections.

Respectfully submitted,



Date: June 30, 2004

Robert W. Griffith  
Attorney for Applicant(s)  
Reg. No. 48,956  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560  
(516) 759-4547

Encl: Substitute FIGS. 1 and 5